

ENERGY AND ENVIRONMENT CABINET

Department for Natural Resources

Division of Mine Safety

(Amendment)

805 KAR 7:040. Training of newly employed miners.

RELATES TO: KRS 351.103 [~~351.105~~]

STATUTORY AUTHORITY: KRS 351.102, [~~351.105~~,] 351.106(1)-(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.102 and 351.106 require the Department of Mines and Minerals to establish a miner training program for newly employed miners according to the criteria and standards determined by the Division of Mine Safety [~~Mining Board~~]. This administrative regulation establishes a program of training and examination for newly employed miners.

Section 1. Mine-specific Training for Newly Employed Miners. (1) Each newly employed inexperienced miner shall receive a minimum of eight (8) hours training provided by the licensee.

The training shall:

(a) Be performed by a Kentucky certified mine foreman or mining instructor.

(b) Apply to the mine where the miner is to be employed.

(2) Each newly employed experienced miner shall receive sufficient training provided by the licensee. The training shall:

(a) Be performed by a Kentucky certified mine foreman or mining instructor.

(b) Apply to the mine where the miner is to be employed.

1 (3) The training shall include instruction in accordance with 805 KAR 7:020, Section 2(2)
2 through (15) [the courses set forth in 805 KAR 7:020, Section 2(2) (15)], and shall be completed
3 before the newly hired miner can be assigned any work duties.

4 (4) The licensee shall verify to the department documentation containing the following
5 information:

6 (a) Full name of person trained;

7 (b) Miner identification number;

8 (c) Type of mining operation;

9 (d) Type of training received;

10 (e) Date training completed;

11 (f) Verification of eight (8) hours training in mine specifics;

12 (g) Signature of miner;

13 (h) Signature of instructor; and

14 (i) Date of signatures. The newly employed miner shall receive a copy of this form.

15 (5) Upon proof by a licensee that a reemployed experienced miner has received the training
16 established in this administrative regulation within twelve (12) months preceding reemployment
17 at the mine, the miner shall not be required to repeat the training established in this administrative
18 regulation.

805 KAR 7:040 approved for filing.
Pages (1-2)

8/14/2017

Date

Charles G. Snavely

Charles G. Snavely, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 26, 2017 at 5:00 P.M. (Eastern Time) in Training Room C of the Energy and Environment Cabinet at 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency by September 19, 2017, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2017. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michael Mullins, Regulation Coordinator, 300 Sower Blvd, Frankfort, Kentucky 40601, phone: (502) 782-6720, fax: (502) 564-4245, email: michael.mullins@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation No.: 805 KAR 7:040
Contact Person: Michael Mullins

Contact number: (502) 782-6720
Email: michael.mullins@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation requires the Department of Mines and Minerals to establish a miner training program for newly employed miners according to the criteria and standards determined by the Mining Board.

(b) The necessity of this administrative regulation: This administrative regulation establishes a program of training and examination for newly employed miners.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS Chapter 351 provides the department the authority to promulgate administrative regulations to establish criteria and standards for a program of education and training to be required of prospective miners, miners, and all certified persons. This administrative regulation establishes the requirements and terms of the training program for newly employed miners.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes a program of training and examination for newly employed miners.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment makes changes necessary to implement the requirements of SB 249 from the 2017 Legislative Session. This amendment will require the Division of Mine Safety to establish a miner training program for newly employed miners.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to require the Department for Natural Resources to establish a miner training program for newly employed miners according to the criteria and standards determined by the Division of Mine Safety. The amendment replaces the Department of Mines and Minerals with the Department for Natural Resources. This requirement will continue to be managed by the Division of Mine Safety.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the authorizing statutes by requiring the Department for Natural Resources to establish a miner training program for newly employed miners according to the criteria and standards determined by the Division of Mine Safety.

(d) How the amendment will assist in the effective administration of the statutes: KRS 351.106 requires a newly employed miner to receive training. These amendments are necessary to implement the requirements of SB 249 from the 2017 Legislative Session, which abolished the Mining Board and placed their duties with the authority of the Division of Mine Safety.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This provision would apply to any entity that operates a mine within Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The entities listed in question (3) above will follow a miner training program for newly employed miners according to the criteria and standards determined by the Division of Mine Safety.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is not a cost increase associated with the proposed amendments.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be no change in benefits.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs to the department associated with implementation of this amendment. The Division of Mine Safety has been meeting these requirements.

(b) On a continuing basis: There will be no costs to the department associated with implementation of this amendment. The Division of Mine Safety will continue to meet these requirements.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The funding for implementation of the amendments to this administrative regulation will be a combination of general funds and restricted funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: The amendments to this administrative regulation will not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) No. All certified miners will be required to meet the same requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation No.: 805 KAR 7:040
Contact Person: Michael Mullins, Reg. Coordinator

Contact number: (502) 782-6720
Email: Michael.mullins@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Natural Resources, Division of Mine Safety.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 351.103; KRS 351.102; 351.106(1)-(4)

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amended administrative regulation will not generate any new revenue for the state or local government.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amended administrative regulation will not generate revenue in subsequent years.

(c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? Future costs would remain essentially unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):	There is no known effect on current revenues.
Expenditures (+/-):	There is no known effect on current expenditures.
Other Explanation:	There is no further explanation.